United Nations A/55/274

General Assembly

Distr.: General
31 July 2000

Original: English

Fifty-fifth session
Item 34 (a) of the provisional agenda*
Oceans and the law of the sea: consideration of elements relating to oceans and seas, including improvement of coordination and cooperation

Report on the work of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea at its first meeting

Letter dated 28 July 2000 from the Co-Chairpersons of the Consultative Process addressed to the President of the General Assembly

Pursuant to General Assembly resolution 54/33 of 24 November 1999, you appointed us as the Co-Chairpersons of the open-ended informal consultative process on ocean affairs, established to facilitate the review by the General Assembly, in an effective and constructive manner, of developments in ocean affairs by considering the report of the Secretary-General on oceans and the law of the sea and by suggesting particular issues to be considered by the General Assembly, with an emphasis on identifying areas where coordination and cooperation at the intergovernmental and inter-agency levels should be enhanced. For convenience, this consultative process has been referred to as the United Nations Informal Consultative Process on Oceans and the Law of the Sea (UNICPOLOS).

We now have the honour to submit to you the attached report on the work of the Consultative Process at its first meeting, which was held at United Nations Headquarters from 30 May to 2 June 2000.

The Consultative Process has suggested a number of issues for consideration by the General Assembly and, in accordance with paragraph 3 (h) of resolution 54/33 and bearing in mind the relevant resolutions of the General Assembly relating to oceans and the law of the sea, has proposed a number of elements for the consideration of the General Assembly in relation to Assembly resolutions under the item entitled "Oceans and the law of the sea".

* A/55/150.

00-60079 (E) 190900

These elements are, of course, not intended as an exhaustive list of material relevant to the General Assembly's consideration of oceans and the law of the sea.

(*Signed*) Tuiloma Neroni **Slade** and Alan **Simcock**
Co-Chairpersons

Report on the work of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea at its first meeting, held at United Nations Headquarters from 30 May to 2 June 2000

Contents

		Page
Part A.	Issues to be suggested, and elements to be proposed to the General Assembly	4
Part B.	Co-Chairpersons' summary of discussions	10
Part C.	Issues for consideration for possible inclusion in the agendas of future Meetings	25
Annexes		
I.	Statement by Mr. Hans Corell, Under-Secretary-General for Legal Affairs, The Legal Counsel	26
II.	Statement by Mr. Nitin Desai, Under-Secretary-General for Economic and Social Affairs	28

Part A
Issues to be suggested, and elements to be proposed to the General Assembly

From 30 May to 2 June 2000, the first meeting was held at United Nations Headquarters under the open-ended informal consultative process established by the General Assembly in its resolution 54/33 of 24 November 1999 to facilitate the review by the Assembly, in an effective and constructive manner, of developments in ocean affairs by considering the report of the Secretary-General on oceans and the law of the sea and by suggesting particular issues to be considered by the General Assembly, with an emphasis on identifying areas where coordination and cooperation at the intergovernmental and inter-agency levels should be enhanced.

The meeting focused on broadening and deepening the understanding of the issues discussed and the need to approach them in a cross-sectoral and integrated manner. Participation by the relevant intergovernmental organizations and representatives of major groups enhanced the value of the discussion.

Consensus was reached that the following issues deserve attention by the General Assembly and, consequently, the Meeting proposes the following elements for consideration by the General Assembly, in accordance with paragraph 3 (h) of resolution 54/33 and bearing in mind the relevant resolutions of the General Assembly relating to oceans and the law of the sea. These elements are not intended as an exhaustive list of material relevant to the General Assembly's consideration of oceans and the law of the sea.

Issue A
The strategic importance of the 1982 United Nations Convention on the Law of the Sea and the Agreement relating to the implementation of Part XI of the Convention, and the importance of their effective implementation

1. The marine environment, including the oceans and all seas and adjacent coastal areas, forms an integrated whole that is an essential component of the global life-support system and provides the vital resources for food security and for sustaining economic prosperity and the well-being of present and future generations.

2. The United Nations Convention on the Law of the Sea sets out the legal framework within which all activities in the oceans and seas must be carried out, and is of strategic importance as the basis for national, regional and global action in the marine sector, and its integrity needs to be maintained.

3. The importance of the adoption by States of effective measures to implement and reinforce the provisions of the Convention and the goals of chapter 17 of Agenda 21.

4. The importance, at regional, national and local levels, of integrated processes, which enable all the sectors involved to contribute, for the purpose of formulating policy and making decisions.

5. A reminder to national Governments of their responsibility to establish such processes, and to coordinate their strategies and approaches in the different international forums, so as to avoid the fragmentation of decision-making on the oceans.

Issue B
The need for capacity-building to ensure that developing countries, and especially the least developed countries, and those that are landlocked, have the ability both to implement the United Nations Convention on the Law of the Sea and to benefit from the many possibilities for sustainable development of their resources which it offers, and the need to ensure that small island developing States can have access to the full range of skills essential for these purposes

6. The importance of the availability in all States of economic, legal, navigational, scientific, and technical capacities and skills for the uniform and consistent application of the United Nations Convention on the Law of the Sea, and a coordinated approach to its overall implementation, and the need for the full implementation of the provisions of the Convention aimed at creating and making available such capacities and skills in developing countries.

7. An invitation to the Secretary-General, in cooperation, inter alia, with the Food and Agriculture Organization of the United Nations (FAO), the International Labour Organization (ILO), the International Hydrographic Organization (IHO), the International Maritime Organization (IMO), the United Nations Development Programme (UNDP), the United Nations Industrial Development Programme (UNIDO), the Intergovernmental Oceanographic Commission of the United Nations Educational, Scientific and Cultural Organization (UNESCO/IOC), the United Nations Environment Programme (UNEP), the United Nations Conference on Trade and Development (UNCTAD), the World Bank and representatives of regional development banks and the donor community, to review, and include in his annual report on oceans and the law of the sea, a section on the work in hand in the many different programmes that is relevant to building capacity to manage the oceans and seas sustainably, with a view to identifying gaps that need to be filled and ensuring consistent approaches in different regions, while bearing in mind the differing characteristics and needs of the different regions of the world.

8. An invitation to bilateral and multilateral donors to keep their programmes under review to ensure that the programmes take full account of the importance of promoting the capacities and skills needed for sustainable management of the oceans and seas in accordance with the Convention as part of their efforts to eradicate poverty and ensure food security.

Issue C
The importance of concerted action at the intergovernmental level to combat illegal, unreported and unregulated fishing

9. The significance of the work being undertaken under the aegis of the Food and Agriculture Organization of the United Nations to develop a comprehensive international plan of action to prevent, deter and eliminate illegal, unreported and unregulated (IUU) fishing, involving consideration of the range of possibilities for action in accordance with international law.

10. Consequently, a call for the work to be continued, as a matter of priority, so that the FAO Committee on Fisheries can be in a position to adopt elements for inclusion in a comprehensive and effective plan of action.

11. An invitation to FAO to continue its cooperative arrangements with United Nations agencies on IUU fishing, and to report to the Secretary-General for inclusion in his annual report on oceans and the law of the sea on priorities for cooperation and coordination in this work.

12. A welcome for the cooperation being undertaken in collaboration with ILO and other relevant international organizations in the FAO/IMO Ad Hoc Working Group to work towards more effective flag State control of fishing vessels and to consider the functions of port States in controlling such vessels.

13. An appeal to States and regional fisheries organizations, including regional fisheries management bodies and regional fisheries arrangements, to promote the application of the FAO Code of Conduct for Responsible Fisheries within their areas of competence.

14. The need to consider, in collaboration with ILO, the human dimension of fishing, especially the abuse of crew and unsafe crew conditions.

Issue D
Improving the environment in which regional fisheries organizations function, to enable them to discharge their important tasks more effectively

15. The need to strengthen, consistent with the Convention, the international legal framework for intergovernmental cooperation in the management of fish stocks and in combating IUU fishing.

16. Regional fisheries organizations are the cornerstone of intergovernmental cooperation to assess living marine resources within their competence, to manage their conservation and sustainable use and thus to promote food security and sustain the economic base of many States and communities. They also therefore will play a key role in implementing the Convention and other relevant international conventions, for those States which accept them, and in promoting the

application of the FAO Code of Conduct for Responsible Fisheries.

17. An invitation to all relevant parts of the United Nations system, international financial institutions and multilateral and bilateral donor agencies to review their programmes with the aim of promoting support to regional fisheries organizations which may need help to improve their capabilities, and to developing countries and small island developing States in order to achieve effective fisheries management systems consistent with their international obligations.

18. An invitation to the Secretary-General to include in his annual report on oceans and the law of the sea a summary of the outcomes of these reviews.

19. A recommendation that the biennial conference of regional fisheries organizations with FAO should consider measures to strengthen further the role of these organizations in all aspects of fisheries conservation and management:

(a) Ways of improving cooperation between regional fisheries organizations in combating IUU fishing;

(b) Improving data collection and sharing of information.

20. A recommendation that the Food and Agriculture Organization of the United Nations should consider inviting the intergovernmental organizations relevant to its work to join the biennial conference of regional fisheries organizations.

Issue E
The importance of marine science for fisheries management

21. The importance of marine science in the assessment of fish stocks, their conservation, management and sustainable use, including the consideration of ecosystem-based approaches, and, to this end, the improvement of status and trend reporting for fish stocks.

22. Consequently, an invitation to the Administrative Committee on Coordination (ACC) Subcommittee on Oceans and Coastal Areas to promote a series of regional workshops, involving regional fisheries organizations, regional seas programmes, institutions involved in intergovernmental cooperation in marine science and the regional offices of the Subcommittee's component organizations, with the aim of identifying the action needed in each region, to improve understanding of these issues and access to the relevant knowledge.

23. An invitation to the Secretary-General to include in his annual report on oceans and the law of the sea, in due course, both a summary of the outcome of the deliberations of such workshops and proposals to promote the ways and means identified to improve such understanding and access.

Issue F
The importance, for achieving sustainable development, of combating marine pollution and degradation

24. The importance, in pursuit of the goals of food security, of sustainable economic prosperity and the well-being of present and future generations and of the protection of public health and the elimination of poverty, of safeguarding the marine environment, including coastal areas, and its biodiversity against pollution and physical degradation, and the importance of the implementation of Part XII of the Convention in such efforts.

25. The need for an approach which is both:

(a) Integrated, bringing together the many different economic sectors involved, management approaches addressing all aspects of ecosystems, including the whole hydrological cycle and river-basin management for whole catchments; and

(b) Inclusive, involving international, regional, national and local levels, all economic sectors and stakeholders and major groups.

26. A reaffirmation that the 1995 Global Programme of Action for the Protection of the Marine Environment from Land-based Activities provides the framework for an integrated, inclusive, ecosystem-based approach to protect the marine environment from land-based activities through national and regional initiatives, such as regional seas programmes, and international support for them.

27. A consequent call to the United Nations agencies and programmes identified in General Assembly resolution 51/189 of 16 December 1996 to fulfil the roles in support of the Global Programme of Action set out in that resolution and to provide information to the Secretary-General for his annual report on oceans and the law of the sea on what they are doing.

28. A call to States to enhance their support for the Global Plan of Action and to intergovernmental agencies to provide information to the Secretary-General for his annual report on oceans and the law of the sea on other further steps they could take to protect the marine environment.

29. The need to keep under review ongoing work on different outstanding issues relating to pollution from ships (e.g., implementation of relevant international legal instruments; the transport of cargo; safety rules; routeing rules; reflagging), given the importance of the social, economic and environmental impacts of these issues.

Issue G
Integrating action to combat the adverse economic, social, environmental and public-health effects of marine pollution and degradation from land-based activities into regional and national sustainable development strategies and their implementation

30. A recommendation that both coastal States and upstream States should take into account the need to combat marine pollution and degradation from land-based activities, in an integrated and inclusive manner, in the preparation, implementation and revision of their regional and national sustainable development strategies, including local Agenda 21 programmes.

31. A reiteration of the need for regional, national or local action programmes, as envisaged in the 1995 Global Programme of Action, to identify the problems of marine pollution and degradation from land-based activities, to establish priorities and to identify, evaluate, select and implement strategies and measures. States, either individually or jointly, within the framework of regional agreements, should be encouraged to share their experience of this process.

32. An invitation to the United Nations Environment Programme to identify, as part of its preparation for the forthcoming intergovernmental review of the 1995 Global Programme of Action, what international support is needed to help overcome the obstacles to the preparation and implementation of these national or local action programmes. A further invitation to UNEP to seek to mobilize assistance from appropriate sources to overcome these problems.

33. An invitation for more interregional cooperation (e.g., through twinning) between the regional seas programmes and with the multilateral environmental agreements.

Issue H
***Integrating action to prevent and eliminate* marine pollution and degradation from land-based activities into main investment programmes**

34. The importance of ensuring that both investment in combating marine pollution and degradation from land-based activities are given adequate attention in investment programmes, in the light of objectives of the Global Programme of Action, and that the economic, social, environmental and human-health impacts of possible adverse effects on the marine environment from new development are taken into account when assessing and evaluating proposed development programmes and projects.

35. Consequently, an invitation to the United Nations Environment Programme and the World Bank to bring together, as part of the preparations for the 2001 review of the 1995 Global Programme of Action to Protect the Marine Environment against Land-based Activities, representatives of private-sector financial institutions, international financial institutions and multilateral and bilateral donors to review possible steps to involve them in the implementation of the 1995 Global Programme of Action, especially through a review of guidance on how programmes and projects should be evaluated, and through exploration of public/private partnerships.

36. An invitation to the Secretary-General to include in his annual report on oceans and the law of the sea a summary of the outcomes of these reviews.

Issue I
Building the capacity to manage the coastal zone in an integrated manner

37. An acknowledgement of the widespread need, especially in developing countries, for capacity-building, as appropriate, for the integrated management of river basins and the coastal zone, and the development of an ecosystem approach. Consequently, an invitation to the relevant members of the United Nations system to review and plan jointly their programmes concerned with promoting integrated coastal zone management, and the training and institutional support needed for it, with the aims of ensuring synergy between the different activities being pursued and building capacity at all the levels where it is needed, especially at the local or community level.

38. An invitation to the Secretary-General to include in his annual report on oceans and the law of the sea a summary of the outcomes of this review.

Issue J
How to implement effectively Part XIII (Marine scientific research) and Part XIV (Development and transfer of marine technology) of the United Nations Convention on the Law of the Sea

39. The important role of marine science and technology in promoting sustainable management and use of the oceans and seas as part of efforts to eradicate poverty, to ensure food security and to sustain economic prosperity and the well-being of present and future generations. The consequent need to ensure access for decision makers to advice and information on marine science and technology, the appropriate transfer of technology and support for the production and diffusion of factual information and knowledge for end-users.

40. Encouragement to States to adopt, as appropriate and in accordance with international law, the national laws, regulations, policies and procedures needed to promote and facilitate marine scientific research.

41. The need to consider the issues of marine science and technology, and to focus on how best to fulfil the many obligations of States and competent international organizations under Parts XIII and XIV of the Convention, in particular on specific areas where contributions can be made to improve coordination and cooperation in the implementation of the Convention and of Agenda 21.

42. A consequent invitation to the ACC Subcommittee on Oceans and Coastal Areas to prepare a paper for the next meeting of the consultative process on the steps that FAO, the International Atomic Energy Agency (IAEA), IHO, IMO, IOC, the International Seabed Authority, the United Nations Secretariat, UNDP, UNEP, UNESCO, the World Health Organization (WHO), the World Meteorological Organization (WMO) and the World Bank, as competent international organizations, have already taken, and may propose, to assist in the fulfilment of these obligations, including steps taken to review the social and economic effects of marine pollution and degradation.

43. An invitation to the Secretary-General to include in his annual report on oceans and the law of the sea a summary of the outcome of this work.

44. An invitation to the United Nations Educational, Scientific and Cultural Organization to give full weight to the importance of the work of its Intergovernmental Oceanographic Commission in this field.

Issue K
How to promote the safety of marine navigation against piracy and armed robbery at sea and against the threats of such crimes

45. The great importance of the suppression of crimes of violence at sea in order to avoid endangering the lives of seafarers, and to ensure the safety of vessels and the security of coastal States.

46. Emphasis on the role of the International Maritime Organization as the leading agency to prevent, combat and eliminate piracy and armed robbery at sea. Consequently, encouragement for it to continue its series of regional seminars and emphasis on the importance of consideration of the letter from the Secretary-General of the IMO addressed to the Secretary-General of the United Nations on the growing seriousness of the problem and possible additional actions.

47. Considering that the problem needs to be seriously addressed in certain regions, an invitation to all the States concerned with piracy and armed robbery at sea in these regions, in collaboration with the International Maritime Organization and, as appropriate, the United Nations economic commissions for those regions, to consider how they could strengthen their cooperation in the fight against piracy and armed robbery at sea.

Issue L
Participation in the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea

48. The importance of the participation of developing countries, including least developed countries, small island developing States and those that are landlocked, and consequently a proposal that a trust fund be established by the Secretary-General for voluntary contributions to support the attendance at meetings of the consultative process of delegates from the Governments of such States and a call to States to support such a trust fund.

Issue M
The role of the Secretary-General and the United Nations Secretariat

49. The importance of the ongoing role of the Secretary-General in undertaking measures aimed at ensuring more effective collaboration and coordination between the relevant parts of the United Nations Secretariat and the United Nations system as a whole, and the importance of the inclusion of suggestions in the Secretary-General's report of initiatives to improve coordination, in accordance with General Assembly resolution 54/33.

50. The importance of improving the effectiveness, transparency and responsiveness of the ACC Subcommittee on Oceans and Coastal Areas.

Part B
Co-Chairpersons' summary of discussions

Agenda item 1
Opening of the Meeting

1. The discussions at the first and the second plenary sessions of the first Meeting of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea were based on General Assembly resolution 54/33, annual reports of the Secretary-General on oceans and the law of the sea (A/54/429 and Corr.1 and 2 and A/55/61), as well as on other documents before the Meeting, including written submissions by States and international organizations.

2. The overall legal framework for the discussions was provided by the United Nations Convention on the Law of the Sea of 10 December 1982 and its two implementing Agreements (Agreement relating to the implementation of Part XI of the Convention and Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks), while chapter 17 of Agenda 21 provided the programme of action for the sustainable development of oceans and seas, re-emphasized in decision 7/1 adopted by of the Commission on Sustainable Development at its seventh session.

3. The discussions were opened by Mr. Hans Corell, Under-Secretary-General for Legal Affairs, The Legal Counsel, and Mr. Nitin Desai, Under-Secretary-General for Economic and Social Affairs (see annexes I and II).

4. In his introductory statement, Mr. Corell emphasized, inter alia, that the informal consultative process had as its aim to facilitate the annual review of developments in ocean affairs and the law of the sea and offered a unique opportunity to seek coordinated and comprehensive solutions in a pragmatic and results-oriented manner. The United Nations Convention on the Law of the Sea (UNCLOS) set out the legal framework within which all activities in the oceans and seas must be carried out. Moreover, the Convention was of strategic importance as a framework for national, regional and global action in the marine sector and that it had not been fully utilized as a tool for international coordination and cooperation. He stressed that early entry into force of the 1995 Fish Stocks Agreement would be a major boost towards the goal of sustainable and responsible fisheries, and he emphasized that cooperation and coordination were essential also at the national level.

5. Mr. Desai noted in his introductory statement that while UNCLOS was the Constitution for the oceans, the need to connect the legal dimension with the substantive programmatic dimensions was addressed by chapter 17 of Agenda 21. In particular, Agenda 21, as a programme of action, provided guidance for further development, such as the 1995 Fish Stocks Agreement, the FAO Code of Conduct for Responsible Fisheries and the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities. He stressed the importance of the relevant decisions of the Commission on Sustainable Development, in particular decision 7/1, and the need for an integrated approach in the practical implementation of the law and the progammes. This required coordination and cooperation, especially in the areas of capacity-building, agreed definitions and terms of reference at the international level and the application of the precautionary approach. Mr. Desai then highlighted the existing cooperation within the United Nations Secretariat and among the organizations of the United Nations system, especially the important role of the ACC Subcommittee on Oceans and Coastal Areas (SOCA), one of the products of the Rio process.

Agenda item 2
Approval of the format of the Meeting and adoption of the agenda

6. Co-Chairperson Slade presented the proposals of the Co-Chairpersons for the format and agenda. He suggested that, in the light of the comments from some delegations at the Meeting of States Parties to UNCLOS, for purposes of convenience, a reference to the law of the sea should be added to the name used to refer to the consultative process. With that amendment, the format and the agenda were adopted by consensus.

Agenda item 3
Exchange of views on areas of concern and actions needed

The open-ended informal consultative process

7. Delegations expressed their support for the process, pointing out that the selected themes related to fisheries and the marine environment correctly reflected current priorities. Many delegations noted that the key role of the process was to contribute to the assessment of the state of the oceans and to identify issues of concern to all States. It was further noted that the process was meant to enhance coordination and cooperation at the international and inter-agency levels, to provide for priority-setting and support for actions at the global, regional and national levels and to provide a means to consult on ways to address selected areas of concern.

8. Several delegations noted that the discussions should take place within the framework already decided by resolution 54/33 and that they should not pre-empt the results of deliberations in other forums, or deal with issues related only to particular States. They also noted that the outcome of the open-ended informal consultative process, adopted by consensus, should be in the form of agreed conclusions for the consideration of the General Assembly. In that respect, the role of the General Assembly as the global body having competence to undertake an overall review of the implementation of UNCLOS and other developments relating to ocean affairs and the law of the sea was particularly emphasized.

9. Some delegations also noted that the process should respect the competence of relevant international organizations when considering possible ways to improve coordination and cooperation. It was suggested that the process could serve as the regular forum to exchange information among international organizations and between them and States, to review the work of ACC-SOCA and for exchanging views between Governments and ACC-SOCA.

10. One delegation emphasized the fundamental importance of achieving improved cooperation and coordination among institutions within the United Nations system, as well as adequate coordination with the Meeting of States Parties to UNCLOS.

Implementation of UNCLOS, the related Agreements and relevant international instruments

11. Great importance was attached by many delegations to the need to consider both the issues brought before the Meeting and all activities related to the oceans within the overall legal framework provided by UNCLOS, which should be further promoted and strengthened and the integrity of which should be preserved. Together with Agenda 21, UNCLOS was recognized as the basis for the discussions on effective cooperation and coordination of affairs relating to the oceans and seas. Several delegations also pointed out the role given by UNCLOS to various competent international organizations. In that connection several delegations stressed the role of competent international organizations in the formulation of international rules, standards and recommended practices and procedures and in the promotion of cooperation. They also referred to the need to strengthen their functions.

12. Some delegations emphasized that, following the entry into force of UNCLOS, its implementation focused on the establishment and functioning of the institutions created by it: the International Seabed Authority, the International Tribunal for the Law of the Sea and the Commission on the Limits of the Continental Shelf. Those delegations considered that, currently, the most important tasks in relation to the implementation of UNCLOS were the follow-up of Part XII (Protection and preservation of the marine environment), Part XIII (Marine scientific research) and Part XIV (Development and transfer of marine technology) of UNCLOS.

Reports of the Secretary-General

13. Many delegations expressed appreciation to the Secretary-General for the annual report on oceans and the law of the sea, highlighting its comprehensiveness and informational value. Several delegations noted that in resolution 54/33 the General Assembly had invited the Secretary-General, working in cooperation with the heads of relevant organizations of the United Nations, to include in his annual comprehensive report to the General Assembly on oceans and the law of the sea suggestions on initiatives that could be undertaken to improve coordination and cooperation and achieve better integration on ocean affairs. They also noted that, inter alia, the Secretary-General could provide in his annual report more analytical comments, identify

problems and make specific policy recommendations. The importance of participation of United Nations agencies and other organizations concerned in this endeavour was also reiterated.

Areas of concern

14. Delegations highlighted the importance of fisheries and the protection of the marine environment as key elements in the international efforts to preserve and sustainably manage the oceans and their resources. (It should be noted that the two areas of focus included in the agenda of the Meeting relate to these issues. Panel discussions were held on the two areas of focus; for the summary of the discussions, see paras. 47 to 118 below.) Illegal, unreported and unregulated fisheries and marine pollution and degradation were identified as among the most serious threats to marine biodiversity and coastal ecosystems as well as to the equitable and efficient utilization of marine resources. On a number of occasions, delegations pointed out the central role of the ocean in the lives of their peoples, and their economic, social and cultural dependency on the marine environment. It was also pointed out that fisheries and the protection of the marine environment still required the conclusion of detailed agreements at the regional and international levels as well as the enactment of national laws in many States.

15. In regard to both responsible fisheries management and the prevention of marine pollution and degradation, various delegations referred to the paramount importance of marine science and to the need for adequate information based on marine scientific research and monitoring as well as to the importance of the precautionary approach. Many delegations also raised the issue of information and data availability and dissemination.

Conservation and management of marine living resources; illegal, unreported and unregulated fisheries

16. Many delegations identified fisheries management as the key area of ocean governance, pointing to overfishing, excess fishing capacity, unsustainable fishing practices and lack of enforcement on the part of the flag States. A number of delegations, especially those from small island States, pointed out that subsistance fishing remained an important source of food and income and that the overall fishing capacity of the developing coastal States needed to be enhanced and their rights protected. The prevalence of illegal, unreported and unregulated (IUU) fishing in contravention of international law and the conservation and management measures adopted by subregional and regional fisheries management organizations and arrangements was considered to be one of the most severe problems currently affecting world fisheries.

17. Non-implementation of the relevant UNCLOS provisions, including the failure by flag States to effectively control fishing activities of their vessels, was identified by a number of delegations as one of the major factors contributing to IUU fishing. Those delegations stated that efforts to combat IUU fishing should enhance the control of flag States, coastal States and port States and develop complementary mechanisms and measures. The need for efficient and concerted use of existing mechanisms was also highlighted.

18. Many delegations called for the early entry into force and implementation of the 1995 Fish Stocks Agreement, of the FAO Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas (FAO Compliance Agreement) and for the application at national level of the FAO Code of Conduct for Responsible Fisheries. In particular, the problem of reflagging fishing vessels to avoid fisheries conservation measures was mentioned.

19. Regarding the 1995 Fish Stocks Agreement, some delegations expressed the view that an instrument not yet in force, which did not have universal support, could not serve as a basis for international fisheries governance.

20. A number of delegations expressed their appreciation and support for the efforts undertaken by FAO and expressed the view that FAO should lead global efforts in addressing the problem of IUU fishing by assessing fisheries resources and providing for their conservation, management and sustainable exploitation. In that connection, it was pointed out that a preliminary draft international plan of action to prevent, deter and eliminate IUU fishing had been prepared by an expert consultation in Sydney, Australia, organized by the Government of Australia in cooperation with FAO. A significant number of delegations expressed their support for the draft plan of action and for making rapid progress in the joint FAO/IMO work. They also called for reinforced

coordination and information exchange between FAO and regional fisheries organizations.

21. Importance was also attached to the need for improved reporting and for a global fisheries information system or network, composed of regional and national entities. It was also noted that fisheries management should be based on the broad, comprehensive and scientifically sound observation of fish stocks and on strict monitoring of catches and landing.

22. Some delegations pointed out the measures which could be taken by the coastal State to deal with IUU fishing, stressing the need for the implementation of existing principles, rules and guidelines on the conservation and sustainable utilization of living marine resources. In that respect, some delegations emphasized the importance of regional fisheries cooperation and of creating global market conditions conducive to sustainable fisheries. Other delegations stressed that governmental subsidies were a real problem and called for action to eliminate those that artificially supported excessive fishing activity. Some delegations also emphasized the right of the coastal State to enforce the use of means consistent with UNCLOS, including enforcement measures, such as boarding, inspection, arrest and judicial proceedings, to deter unauthorized fishery in the exclusive economic zone or the use of fishing licences as an efficient tool.

23. Many delegations called for enhanced cooperation at the regional level and the strengthening of the role of regional organizations. One delegation noted, on the other hand, that the closed membership of certain regional fisheries organizations made it difficult for other States, especially distant-water fishing States, to cooperate in such arrangements.

Marine pollution: economic and social impact of marine pollution and degradation, especially in coastal areas

24. Many delegations emphasized the importance of healthy marine and coastal ecosystems for poverty eradication, food security and human health. It was also noted that in the report of the Secretary-General to the Millennium Assembly of the United Nations (A/54/2000) marine and coastal areas had been identified among the five major ecosystems on which human life depended and which were under threat.

25. The need to give priority in addressing pollution from land-based sources to the adequate implementation of the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities (GPA) was highlighted by a number of delegations. In that context, support was expressed for a recommendation that the General Assembly call upon United Nations agencies, convention secretariats and international financial institutions to give high priority within their respective work programmes to the implementation of the GPA. Some delegations also expressed the hope that the first intergovernmental review of the GPA in 2001 would provide an opportunity to identify difficulties in its implementation and to mobilize national and international commitments to its implementation. The role of UNEP and the need to strengthen and revitalize its regional seas programme were emphasized.

26. Among issues related to the implementation of GPA, a number of delegations mentioned the need to further develop the clearing-house mechanism as a means of dissemination of information and capacity-building.

27. References were also made to the threat represented by persistent organic pollutants (POPs) and to the need to complete the negotiations under the auspices of UNEP of a legally binding international agreement aimed at the elimination of the production and use of certain POPs.

28. Some delegations emphasized the need to give consideration to the use of marine protected areas (MPAs) as a tool for integrated ocean management. They also stressed that such MPAs, which could range from highly protected to those supporting multiple uses, could provide for a regime incorporating biodiversity conservation, fisheries, mineral exploration, tourism and scientific research in a sustainable manner. In this connection, mention was made of the need for identifying methods to establish and manage MPAs on the high seas. It was also noted that such arrangements should be fully consistent with UNCLOS. Some other delegations, however, expressed reservations about establishing and managing MPAs on the high seas.

29. It was also proposed that the competent international organizations should support capacity-building in this area of concern by the formulation of standards, development of marine environment

monitoring systems, development of laboratories, management of MPAs, training, etc.

30. A number of other specific proposals were put forward during the general discussion, including the one to establish an intergovernmental panel on marine pollution similar to the Intergovernmental Panel on Climate Change, to provide for an effective assessment process. Attention was also drawn to the significance of pollution from sea-based sources, including the potential threat from seabed mining.

Marine scientific research

31. Implementation of Part XIII of UNCLOS (Marine scientific research) was identified as an important task by some delegations. Reliable scientific information was deemed by many delegations to be vital for the maintenance of marine biodiversity, for assessing the status of fish stocks and for developing sustainable management measures. In that context, the need for cooperation and integration of efforts in marine ecosystem assessment and management was also pointed out.

32. A number of delegations mentioned the need for additional attention and support to be given to an inventory of data collected through the Global Ocean Observation System (GOOS), which could facilitate the sharing of information on fisheries and coastal management. Such a system would especially benefit States with limited capacities.

33. Support was also expressed for broadening the focus of work of the Intergovernmental Oceanographic Commission of UNESCO from the traditional focus on oceanography to cover all issues related to marine science and technology, and for steps to make it even more of a global centre for the promotion and dissemination of research into marine science and technology.

Development and transfer of marine technology

34. A number of delegations referred to the need to implement Part XIV of UNCLOS (Development and transfer of marine technology) and noted that no mechanism had been provided for its implementation. It was observed that developing States, including small island developing States, needed to strengthen their capacities in order to benefit fully from the legal regime of the seas and oceans. Mention was made of the need for transfer of technology on fair and reasonable terms. The establishment of regional marine science and technology centres, as envisaged in UNCLOS, was also emphasized.

Marine non-living resources

35. Several delegations stressed the importance of the sustainable development and management of marine non-living resources, inter alia, in view of the need of a number of States for security of supply of minerals. Scientific research and developmental activities on marine minerals were emphasized. In that connection, it was noted that the International Seabed Authority should assume overall responsibility for managing the common heritage of mankind and for coordinating all seabed activities in the international seabed area.

Underwater cultural heritage

36. Several delegations addressed issues related to the negotiation, under the auspices of UNESCO, of the draft Convention for the Protection of Underwater Cultural Heritage. Some delegations stressed that the new instrument needed to be in full conformity with the relevant provisions of UNCLOS, in particular with those concerning the sovereign rights and jurisdiction of coastal States and rights and freedom of other States in the exclusive economic zone and on the continental shelf, and suggested that the text of the draft Convention should be ultimately considered by the General Assembly. However, other delegations stressed the need for an agreement to implement UNCLOS in this field and were of the opinion that the consultative process should not prejudice the deliberations in progress within UNESCO. Some other delegations expressed the view that as long as there was conformity with UNCLOS, the forum should not be an issue.

Crimes at sea, especially piracy and armed robbery

37. Several delegations pointed out that crimes at sea, in particular piracy and armed robbery, represented a serious threat to the lives of seafarers, the safety of navigation and the security of coastal States, and attached great importance to the suppression of crimes at sea. Those delegations were of the opinion that IMO needed to continue to play an important role in preventing and combating such crimes and that efforts by IMO, regional organizations as well as individual States should be intensified in that respect.

Capacity-building and assistance to developing States

38. Many delegations pointed out that assistance to developing States and capacity-building were essential in dealing with issues of ocean management. Many delegations also called for special capacity-building initiatives for the benefit of the small island States, owing to their vulnerability to the adverse effects of climate change and exposure to natural disasters. The lack of human resources, funds and technology hindered the capacity of developing States, including small island States, to achieve sustainable and integrated ocean management and marine resources development. Furthermore, the lack of coordination between Governments and international bodies posed special challenges for those States.

39. In particular, it was emphasized that there should be greater involvement of developed States, multilateral donor organizations and the private sector in mobilizing financial resources to support capacity-building, especially for marine science and technology and for information. International organizations should increase their efforts to assist those States in carrying out regional and multilateral cooperation in fund-raising for ocean research and development as well as in the training of personnel.

40. Some delegations indicated that there was a need for scientific, technical and financial assistance to the developing States of several regions for the purpose of the submission of complex technical and scientific data to the Commission on the Limits of the Continental Shelf.

41. Some developed States pointed out that they currently provided various kinds of assistance to developing States. They expressed their willingness to cooperate further bilaterally and through multilateral funding organizations in that regard.

Assistance to developing States for participation in international forums

42. Some delegations pointed to the lack of financing, experienced personnel and basic infrastructure as impediments to their participation in international forums dealing with ocean issues.

43. Assistance was deemed crucial to ensure the representative participation of developing States in global and regional forums, especially in the consultative process. The establishment of a voluntary trust fund for the latter purpose was considered essential by a number of delegations.

International coordination and cooperation

44. Coordination and cooperation were the key issues of the discussions. Many delegations referred to the importance of coordination and cooperation at the global, regional, subregional as well as national levels as crucial for the conservation and sustainable development of ocean resources and their integrated management. It was noted that the United Nations and its system of organizations were ideally placed for such international coordination. One delegation mentioned that in order to enhance cooperation and avoid duplication a catalogue or inventory of the work being undertaken by all competent international organizations would be invaluable. Such an inventory could be updated regularly by culling the information which already existed from different sources. mention was made of the contribution that could be made in this regard by a clearing-house mechanism.

45. In their statements, the competent international organizations participating in the Meeting highlighted the measures taken under their auspices which addressed many of the areas of concern identified in the report of the Secretary-General and in the statements made by delegations. They expressed the need to strengthen existing measures and proposed specific actions. They also expressed their willingness to cooperate with other international organizations and States, in particular sharing their experiences and information.

46. One delegation, in mentioning its support for the consultative process, expressed the view that the process should also discuss the manner in which information was to be shared. In that connection, the delegation stated that ILO had been engaged in successful cooperation with FAO and IMO in such matters as safety of seafarers and the health of fishworkers, since ILO attached the utmost importance to the human dimension of issues relating to oceans and the law of the sea.

Panel discussions: Areas of focus

(a) Discussion Panel A: Responsible fisheries and illegal, unreported and unregulated fisheries: Moving from principles to implementation

47. The discussions in Panel A on responsible fisheries and IUU fisheries were led off by presentations from the following representatives: David Doulman, Senior Fishery Liaison Officer, FAO; Lahlou-Kassi, Permanent Secretary of the Ministerial Conference on Fisheries Cooperation among African States Bordering the Atlantic Ocean; Kevin Bray, delegation of Australia; Kristjan Thorarinsson, Vice-President of the International Coalition of Fisheries Association; and Jon Whitlow, Assistant Secretary, Seafarers and Fisheries Sections, International Transport Workers Federation.

48. *Mr. Doulman* in his presentation (A/AC.259/1) emphasized that IUU fishing had far-reaching consequences for the long-term sustainable management of fishery resources. The situation led to the non-achievement of management goals and the loss of economic opportunities. It could even lead to a collapse of a fishery. IUU fishing was taking place in all oceans and in all types of fisheries. Moreover, it was a problem generated by both contracting and non-contracting parties to regional fisheries management organizations and was not merely confined to fishing vessels from open registries or to vessels from non-contracting parties to regional organizations.

49. He indicated that a key consideration in addressing IUU fishing was the need to achieve more effective flag State control. Other considerations included excess fleet capacity, government subsidies, strong market demand for particular products and ineffective monitoring, control and surveillance (MCS).

50. In response to international calls to combat IUU fishing (FAO Committee on Fisheries, February 1999; FAO Ministerial Meeting on Fisheries, March 1999; FAO Council, June 1999; also decision 7/1 of the Commission on Sustainable Development), FAO was requested to develop an international plan of action to combat IUU fishing as a matter of priority. As a first step in that endeavour, FAO, in cooperation with the Government of Australia, had organized an Expert Consultation on IUU Fishing in Sydney, Australia, in May 2000. This was to be followed by the FAO Technical Consultation in Rome, in October 2000. The draft plan of action was expected to be adopted at the 24th session of the Committee on Fisheries (COFI) of FAO in February 2001.

51. As regards the characteristics of the plan of action, Mr. Doulman pointed out that the plan of action once adopted would reinforce the application by States of the FAO Code of Conduct for Responsible Fisheries and the International Plan of Action on the Management of Fishing Capacity. In this respect he underscored that acceptance and ratification of the FAO Compliance Agreement and the 1995 United Nations Fish Stocks Agreement will also greatly assist in addressing IUU fishing.

52. *Mr. Lahlou-Kassi* in his presentation pointed out that the region covered by his organization was considered to be one of the richest fishing grounds in the world, but faced many obstacles in achieving sustainable use of fishery resources owing to the presence of large distant-water fishing fleets. He agreed with those delegations that had drawn attention to the need for the assessment of stocks and an efficient and transparent method to monitor catch as a way to ensure sustainable fisheries. He indicated that those two elements were the basis of the programme of regional cooperation among the African States bordering the Atlantic Ocean. The programme required not only financial resources but also scientific expertise. Therefore technical assistance from developed countries was essential.

53. As regards IUU fishing, which occurred even in the territorial sea of certain member countries, he indicated that the coastal States concerned did not have the means to combat the problem. Only an initiative coming from a United Nations organization could succeed in addressing the issue. In that context, he pointed out that the international community already had mandatory and binding instruments to ensure responsible fisheries and to combat IUU fishing. Accordingly, he proposed the organization of regional workshops, with the participation of professional organizations, regional and international institutions, to discuss the implementation of those instruments. He considered the FAO/IMO Ad Hoc Working Group to be the best approach to deal with IUU fishing.

54. *Mr. Bray* in his presentation reported on the outcome of the Expert Consultation in Sydney. He indicated that the preliminary draft of an international

plan of action on IUU fishing would provide a useful basis for discussion and negotiation at the FAO Technical Consultation in October 2000.

55. Australia's determination to combat IUU fishing had been motivated, inter alia, by the illegal, unreported and unregulated taking of Patagonian toothfish, which were under the management of the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR), as well as unregulated fishing for orange roughy in an area adjacent to the exclusive economic zone and on the high seas in the Indian Ocean.

56. He suggested that a number of measures should be taken as a matter of priority, including the early ratification/accession/acceptance of existing legal instruments and the effective application of the FAO Code of Conduct; and the strengthening of port State control, including the development of regional port State control mechanisms for fisheries and the development of World Trade Organization (WTO)-consistent trade-related measures, as a last resort. He underlined the need for more effective flag State control. As regards the registration of fishing vessels, he emphasized the need to define the genuine link requirement in article 91 of UNCLOS. One way to address the issue was through FAO/IMO cooperation. He noted that the two organizations were also cooperating on issues relating to safety of fishing vessels, vessel pollution and adverse crew conditions. The latter issue also involved the collaboration of ILO.

57. Other measures proposed by Mr. Bray included enhanced fisheries MCS; comprehensive fishery data exchange arrangements; and consideration of special requirements of developing countries within the provisions of the FAO Code of Conduct, including their capacity to conduct and manage fishery operations effectively and enforce responsible fishing practices. In that regard he emphasized the importance of effective participation by organizations such as the World Bank, other financial institutions, and possibly the Global Environment Facility (GEF) within the context of their existing programmes for sustainable development and responsible fisheries management.

58. He stated that in order for the proposed measures to succeed there was a need for cooperation between States either directly, through regional fishery organizations or through FAO or other appropriate international organizations. He emphasized that the full participation of all relevant stakeholders should be encouraged.

59. *Mr. Thorarinsson* in his presentation indicated that the implementation of the relevant international instruments had to be undertaken at the local level and needed the involvement and cooperation of the fishing industry.

60. Presenting the example of Iceland, he pointed out that the fishing industry in that country favoured total allowable catches (TACs), supported by best scientific evidence. In that respect, he indicated that owing to the state of cod stocks, Iceland had adopted a long-term harvesting strategy in collaboration with the fishing industry, which involved a substantial reduction in harvested stocks. The strategy was successful for stocks recovery. Iceland had also established a Committee for the Good Treatment of Living Marine Resources, composed of members from the fishing industry (vessel owners and crew) and from the public sector, with a mandate to combat discards, fishing in excess of vessel quotas and "black landings". In that connection, he emphasized the importance of involving the fishing industry in the development of rules as well as in the negotiation of international agreements.

61. He stressed that the FAO Code of Conduct was the best available tool to be used for responsible fisheries at the local level. In order to adapt the Code to local conditions, it would need to be less detailed and simplified. This should be done by the fishing industry with some guidance from the national fisheries administration.

62. *Mr. Whitlow* in his presentation expressed the view that IUU fishing was linked to the flag of convenience problem where some flag States were unwilling or unable to meet their international obligations. The ease and lack of formalities involved in reflagging a vessel to some jurisdictions brought into question the reality of the concept of flag State sovereignty. He therefore called upon IMO to define the concept of the genuine link in the fisheries context, in cooperation with FAO, regional fisheries management organizations and arrangements and other relevant international organizations.

63. He expressed his support for the abolition of the flag of convenience system. He also suggested the following: closing ports to vessels involved in IUU and flag of convenience fishing operations; closing markets to fish and fisheries products from IUU and flag of

convenience fisheries; and closing companies or otherwise preventing them from engaging in IUU and flag of convenience fishing and related activities, wherever they might occur.

64. He drew attention to the social dimension of IUU and flag of convenience fishing operations, including the very poor and often abusive conditions to which fisherfolk were subjected. Referring to the resolution adopted at the ILO Tripartite Meeting on Safety and Health in the Fishing Industry, in December 1999, he highlighted the need to include the social dimension, as well as the need to address the social implications of responsible fisheries and the restructuring of the fishing industry, including the need for social adjustment strategies for fish workers.

65. In conclusion, he indicated that the FAO International Plan of Action to combat IUU fishing was not an end in itself but rather part of a process, and thus required implementation later on.

66. In the discussions that followed the presentations by the five representatives, the following points were raised:

67. The majority of delegations underlined the importance of becoming party to and effectively implementing the existing legal instruments, namely UNCLOS, the 1995 Fish Stocks Agreement and the FAO Compliance Agreement.

68. Delegations emphasized the importance of applying the FAO Code of Conduct for Responsible Fisheries. In that regard, they not only highlighted the importance of applying the Code at the regional and national levels, but also stressed the need to adapt it to local conditions.

69. Delegations recognized the need to exchange timely and accurate data on all aspects of fisheries conservation and management. Several delegations recognized the importance of marine science for fishery management and conservation and its role for improved understanding of the marine and coastal ecosystems. The need for improved comprehensive fishery data exchange arrangements between all relevant organizations was identified by delegations, as was the need for standardized data reporting. It was felt that regional fisheries management organizations and arrangements had an important role in that regard. It was proposed that such organizations and arrangements should consider using the minimum data standards set out in Annex I to the 1995 Fish Stocks Agreement.

70. At the national level, the importance of cooperation between the national administration, the fishing industry and other stakeholders was emphasized, as well as the importance of reinforcing the national administrative capacity of States to monitor the fishing activities of vessels flying their flag.

71. Delegations agreed that IUU fishing not only occurred in industrial fisheries on the high seas, but also had the potential to occur in all capture fisheries, including in zones under national jurisdiction and in small-scale fisheries.

72. It was pointed out that IUU fishing was undertaken not only by flag of convenience registered vessels, but also by vessels registered by members or non-members of regional fishery organizations or arrangements.

73. Attention was drawn to the impact of IUU fishing on related species and on ecosystems generally, especially those very rich in biodiversity, for example, seamounts and seagrass areas. The establishment of marine protected areas to better manage such ecosystems was suggested in that regard.

74. As regards specific measures to combat IUU fishing, the following points were made:

75. Delegations expressed support for the development by FAO of an international plan of action to combat IUU fishing. They drew attention to the recent Expert Consultation on IUU Fishing, held at Sydney, Australia and underlined the importance of the adoption of the Plan of Action at the forthcoming 24th session of the FAO Committee on Fisheries in 2001.

76. The importance of international cooperation at the global and regional levels as well as the need for inter-agency cooperation were highlighted to ensure responsible fisheries and combat IUU fishing.

77. Some delegations emphasized the need for any State with real interest in a particular fishery to become a member of the regional fisheries management organization or arrangement with competence to manage the fishery. Only those which were members of such organization or arrangement, or which agreed to apply the conservation and management measures established by such organization or arrangement, had

the right of access to the fishery resources to which those measures applied.

78. Many delegations recognized the need for close cooperation between States and regional fisheries organizations, FAO and WTO on the development of measures to combat IUU fishing, including trade-related measures covering specific fish stocks.

79. Delegations agreed that there was a need for more effective flag State control. States must fulfil their obligations as flag States as evidence of the genuine link required in article 91 of UNCLOS. It was suggested that a special regime for fishing vessels should be developed, which would provide for a responsibility, in addition to that of the flag State, on the part of a State whose nationals owned the fishing vessel involved in IUU fishing, or served as master or crew on such vessels.

80. Many delegations expressed their support for the FAO/IMO Ad Hoc Working Group on IUU fishing, whose terms of reference also covered such issues as the safety of fishing vessels and pollution prevention. The collaboration of ILO in that effort was considered important in view of the human dimension of IUU fishing and the often unsafe conditions for fisherfolk on board fishing vessels conducting IUU fishing. In that context, the need to address the broader social implications of responsible fisheries and the restructuring of the fishing industry was recognized.

81. Many delegations also stressed the need for more effective enforcement of responsible fishing through enhanced fishery monitoring, control and surveillance. It was proposed to use vessel monitoring systems and vessel inspections at sea and to cooperate at the regional level in this regard. Reference was made to the effectiveness of a regional register of fishing vessels for the purpose of identifying the vessels that contravened regional conservation and management measures. In addition, it was suggested that regional fishery management organizations and arrangements should use or amend their certificate of origin schemes or other means for tracking trade in fish to require the listing of the Lloyds registration number for all vessels harvesting the fish tracked by the scheme.

82. Many delegations emphasized the needs of developing countries to build capacity in monitoring, control, surveillance and enforcement of fishing activities, as well as in the conduct of marine scientific research applied to marine living resources. The World Bank and other funding institutions were invited to provide financial assistance to developing countries to enhance their capacity in these areas. The International Hydrographic Organization pointed to the need for capacity-building in the development of nautical charts for fishery purposes. It was also pointed out that the development of human resources and technical skills should be interdisciplinary and cross-sectoral.

(b) Discussion Panel B: Economic and social impacts of marine pollution and degradation, especially in coastal areas

83. The discussions in Panel B on the economic and social impacts of marine pollution and degradation, especially in coastal areas, were led off by presentations from the following representatives: Veerle Vandeweerd, UNEP/GPA Coordination Office; John Karau, former Rapporteur on the GPA, Canada; and John Waugh, International Union for Conservation of Nature and Natural Resources (IUCN).

84. *Ms. Vandeweerd* noted in her presentation that the major threats to the health, productivity and biodiversity of the marine environment resulted from human activities on land, in coastal areas and further inland. The resultant pollution affected the most productive areas of the marine environment, such as estuaries and near-shore coastal waters. She pointed out that the GPA, adopted in 1995 in response to the critical threats faced by coastal and marine environments, was designed to be a source of conceptual and practical guidance to assist States in addressing land-based pollution. The GPA also provided guidance on which factors needed to be taken into account with regard to assessment of the impact of land-based pollution and provided a framework for establishing priorities for action.

85. She also emphasized that the first intergovernmental review of the GPA to be conducted in 2001 would provide an opportunity to assess whether the protection of the marine environment had been sufficiently integrated in general planning. However, while preliminary reviews indicated progress in some States or regions, they also indicated that only a few States had developed an integrated and coherent strategy to address land-based pollution. She invited delegations to consider actions required to insert GPA implementation as a priority issue in the work programmes of international organizations and international financial institutions.

86. She then focused on the revitalization of the regional seas programmes under way in UNEP and pointed out that implementation of GPA through the regional seas programme could be an effective implementation instrument. Building on proposals of the International Ocean Institute, she envisaged a broader mandate of the regional seas programme, greater participation in its implementation by United Nations agencies, regional banks, private sector and non-governmental organizations, as well as upgrading and broadening of its institutional structure.

87. She further elaborated on inter-agency cooperation, namely the joint technical cooperation and assistance by ACC-SOCA and the ACC Subcommittee on Water Resources for the implementation of the GPA, and the major areas of collaboration reflected in a recently concluded agreement among them. Areas of further collaboration in matters related to oceans, including the GPA, were also proposed. Focusing on the development and implementation of national programmes of action on land-based activities, she highlighted the need to use more intensively the resources of GEF and experience from GEF-supported regional and national programmes of action.

88. With regard to the issue of how to ensure that investment and development programmes take into account the adverse economic and social impacts of marine pollution and degradation, she highlighted new forms of partnerships, such as public-private partnerships and partnership meetings, currently under development in a number of regions, and the possibility of using national regulatory and financial mechanisms, including taxes and other kinds of incentives and financing, to increase the role of the private sector and civil society.

89. *Mr. Karau*, in responding to the issue of how national Governments could best be helped to evaluate the economic and social impacts of marine pollution and degradation, placed emphasis on clear assessment guidelines for root cause analysis from GEF and the Global International Water Assessment (GIWA), which might also be useful for technical cooperation and assistance. He said that protection of the marine environment against pollution was not yet sufficiently integrated into the general planning of sustainable development and that in that respect the GPA offered a helpful guide.

90. He suggested that, in order to ensure integrated coastal zone management through improved intergovernmental and inter-agency cooperation, cost-effective harmonization and integration of programme activities needed to be pursued. He also suggested that a commitment could be sought through a memorandum of understanding by UNDP, UNEP, FAO, IMO and UNESCO to prepare coordinated joint work programmes for technical cooperation and assistance directed at integrated coastal management training and institutional support. He further pointed out that development projects linked to integrated coastal management offered a better possibility for sustainable development and such projects were amenable to good environmental design. He also pointed out that pollution prevention could be cost-effective and that case studies for sustainable development were needed to prove that.

91. Addressing the issue of the ecosystem link between freshwater and oceans, he noted that the institutional arrangements were inadequate and that the ecosystem approach required new partnership arrangements among Governments, institutions, the private sector and communities. Monitoring programmes needed to be designed and implemented to address the scientific as well as the management needs for assessing environmental protection and conservation. Furthermore programmes for integrated coastal management and for monitoring capacity-building needed to be directed where they were most effective: to develop capacity at the community or local level. In conclusion, he called for more integrated promotion of compliance with multilateral global and regional agreements and programmes that addressed integrated coastal management, such as UNCLOS, GPA, the Convention on Biological Diversity, the London Convention, etc.

92. *Mr. Waugh* stressed the overall dependence of humankind on water and the hydrological cycle, pointing out that the management of coastal resources and the protection of the marine environment were poorly served by the freshwater/saltwater dichotomy. He noted the lack of a unified system, the lack of incentives for the protection of upper watersheds and the fact that the social and economic costs of downstream pollution were often not borne by polluters.

93. On the other hand, he said, significant progress had been made since the Rio Conference in addressing

the impact of land-based pollution on the marine environment and the management of water. However, if the international community was to meet the policy objectives of poverty alleviation, food security and improved health, water must be managed holistically.

94. He further referred to the need to link the financial systems to the ecosystems and in that regard noted the leadership of GEF and the large marine ecosystem approach adopted as the framework for the GEF international water portfolio. That approach provided for the assessment of a wide range of impacts on an eco-regional basis. At a national level, he added, new financial approaches for GPA implementation were being sought so as to convert environmental cost, through regulatory framework and incentives, into business opportunities. Private capital flow should be channelled to support effective management and conservation of water resources.

95. Practical, relatively low-cost steps to address land-based sources of marine pollution might include revolving loans for sewage treatment plants and removal of subsidies and other incentives contributing to the degradation of watersheds, such as habitat conversion and inappropriate riparian and coastal zone development. Protected areas throughout the system should be supported. He suggested that pilot projects to explore modalities for the restoration of degraded coastal ecosystems to conditions consistent with sustainable use should be undertaken.

96. In the discussions that followed the presentations of representatives, the following points were raised:

97. Delegations identified marine pollution, especially pollution of coastal areas, as having direct economic and social impacts on food security and public health as well as being an impediment to the eradication of poverty.

98. Pollution from land-based activities was identified by most delegations as the largest contributor to marine pollution and degradation. However, a number of delegations drew attention to other sources of pollution, especially sea-based sources, such as vessels.

99. There was general agreement that an integrated and comprehensive approach needed to be applied to the whole ecosystem, the hydrographic cycle, river basins and watersheds in order to effectively address the problems of marine pollution, in particular in coastal areas. For this purpose, most delegations were also in agreement that there was a need for integration of sectors, various interests and major stakeholders, such as central and local governments and the private sector and civil society. In particular, the need was emphasized for greater involvement of all relevant agencies of public administration. Sufficient attention should be given to diffuse sources of pollution as well as to point sources.

100. Issues of coordination, cooperation and integration at the international level, whether regional or global, were raised by a number of delegations. It was suggested that a survey of compliance mechanisms under various international instruments should be carried out to provide a basis for future discussions of coordination and cooperation to improve compliance.

101. With regard to land-based sources of marine pollution, many delegations pointed out the slow start of GPA implementation and underscored the importance of the forthcoming GPA review in 2001.

102. It was emphasized that the identification of obstacles hindering implementation of the GPA was crucial and that States should expend more efforts in reviewing or developing national and regional action programmes. Mention was made of some of the fundamental steps that should be taken at the national and regional levels: the establishment of agreed national and regional monitoring programmes, including quality control; the development of databases and geographic information systems at the regional level, available to States and international organizations; and the establishment of interlinkages between major stakeholders and institutions.

103. In that context, support was expressed by several delegations for the development of the clearing-house mechanism, an integral part of the capacity-building component of the GPA. It was noted that such a mechanism could provide access to sound science, good practices and examples of successful GPA implementation and could also be of particular importance for improved inter-agency coordination.

104. The view was also expressed that there was an urgent need to intensify coordination between the United Nations Environment Programme and the relevant United Nations agencies and programmes in GPA implementation.

105. Most delegations emphasized that support by international financial institutions and other donors was crucial for successful GPA implementation, in which they should be involved from the outset. They should also participate in the process of designing action programmes and even act as executing agencies for feasibility studies. In that connection, regret was expressed concerning the inadequate representation of international financial institutions at the Meeting, in particular the World Bank, and it was suggested that such institutions should be invited to participate in future meetings of the consultative process.

106. Financial as well as other assistance, e.g. capacity-building, transfer of technology and know-how, etc., were mentioned as being vital to developing countries in dealing with marine pollution and in GPA implementation.

107. Some delegations pointed out that it was important to continue discussing issues and also follow up on the results achieved in relation to GPA implementation at future meetings of the consultative process.

108. Attention was also drawn to the importance of private sector funding, including the use of various incentives to the private sector, such as tax abatements, establishment of new public-private partnerships, etc.

109. Delegations also stressed the importance of integrated coastal management, and in that regard a particular reference was made to the East Asian Seas programme as an example of a regional project sponsored by international bodies (IMO, UNDP, GEF).

110. With respect to marine scientific research, in support of GPA implementation, there was general agreement that it should be conducted in accordance with a multidisciplinary, intersectoral and regional approach. In that context, many delegations referred to the role of IOC, which should be at the centre of coordination, at the global level, for marine scientific research in determining how to deal with different sources of marine pollution and to develop the ecosystem approach. Moreover, the IOC regional bodies could also have a significant role to play and should cooperate with regional seas arrangements to ensure the conservation and sustainable use of the marine environment. It was also generally felt that marine scientific research should be discussed at the next meeting of the consultative process.

111. The use of traditional and local knowledge in addressing marine pollution, in seeking solutions and in data collection was highlighted. In general, monitoring, data collection, analysis and post-project evaluation were also mentioned as important elements of marine scientific research in support of marine environmental protection and pollution prevention.

112. Most delegations were in agreement that the principle of the precautionary approach should be followed in dealing with the prevention of marine and coastal pollution. Some delegations also emphasized the need for the application of effective sanctions for infractions resulting in marine and coastal pollution.

113. Regarding the threat to the marine environment and marine pollution from navigation and shipping, the vulnerability of small island States, including those in the South Pacific region, was particularly highlighted. Factors such as the introduction of alien species into the coastal habitats, oil spills, wastes and other pollutants from vessels and shipwrecks were mentioned in that connection.

114. As regards the maritime transport of oil, hazardous substances and wastes, several delegations pointed out the following issues as meriting attention: making the use of the "vessel monitoring system" obligatory; revising current main routes of maritime transport in order to improve security standards and surveillance; implementing monitoring programmes to control environmental quality; and verifying the effective respect for safety rules for cargo, ships and crews, especially in the context of flags of convenience and the prevention of reflagging of vessels posing safety hazards.

115. As regards the prevention of pollution from vessels, emphasis was placed upon the need for the early entry into force of the remaining annexes to the International Convention for the Prevention of Pollution from Ships, as modified by the Protocol of 1978 relating thereto (MARPOL 73/78), namely annexes IV (Sewage) and VI (Air pollution), and their prompt implementation.

116. One delegation expressed the view that further reflection should be devoted to the mechanisms needed to combat marine pollution from land-based sources as well as from vessels, as contained in articles 207(4) and 211, respectively, of UNCLOS.

117. It was also pointed out that the Administrative Committee on Coordination and other relevant United Nations bodies needed to use the existing mechanisms, such as the UNEP regional seas programme, and including regional conventions as well as other regional seas programmes, more effectively to further integrate marine environmental policies.

118. Attention was drawn by several delegations to the importance of reaching early agreement, under the aegis of UNEP, on control measures on persistent organic pollutants (POPs); in IMO, on hazardous substances in anti-fouling paints and marine pollution related to shipping wastes and dumping; in IMO and the Convention on Biological Diversity, on the spread of harmful aquatic organisms in ballast water; and in the International Seabed Authority, on environmental standards for seabed mining and the adoption of the Mining Code.

Agenda item 4
Exchange of views with the Subcommittee on Oceans and Coastal Areas of the Administrative Committee on Coordination

119. Mr. Patricio Bernal, Executive Secretary of the Intergovernmental Oceanographic Commission of UNESCO and Chairman of the ACC Subcommittee on Oceans and Coastal Areas, reviewed the process leading to the establishment of ACC-SOCA following the United Nations Conference on Environment and Development in 1992. He then described the terms of reference of the Subcommittee; and in response to the recommendation of the Commission on Sustainable Development at its seventh session, the measures being undertaken by ACC-SOCA to improve its transparency and effectiveness, as the inter-secretariat coordinating mechanism within the United Nations system and as task manager for the implementation of chapter 17 of Agenda 21. Such measures included annual briefings for delegations during sessions of the Commission on Sustainable Development, development of an ACC-SOCA web site (http://ioc.unesco.org/soca); and the production of a ACC-SOCA brochure. Among the current activities of ACC-SOCA were the development of the United Nations Atlas of the Oceans, assistance in implementing the GPA, assistance to the GIWA and the provision of contributions to system-wide reporting to intergovernmental bodies, including the General Assembly and the Commission on Sustainable Development. ACC-SOCA also intended to be engaged in preparing a coordinated input to the session of the Commission on Sustainable Development in 2002 ("Rio+10").

120. Oleg Khalimonov of the International Maritime Organization, the Administrative Secretary of the Joint Group of Experts on the Scientific Aspects of Marine Environmental Protection (GESAMP), reviewed the adoption by GESAMP at its thirtieth session in May 2000 of two major marine environmental assessment reports, entitled "A Sea of Troubles — Issues in Focus" and "Land-based Sources and Activities Affecting the Quality and Uses of the Marine, Coastal and Associated Freshwater Environment", for both of which UNEP served as the lead agency.

121. He also noted that the process undertaken by GESAMP to revise its terms of reference, in response to concern expressed by the Commission on Sustainable Development at its seventh session regarding its inclusiveness and effectiveness, had been postponed pending the results of an independent evaluation of GESAMP as recommended by the Executive Director of UNEP. The evaluation would be carried out by a group of experts, representing Governments and the scientific community.

122. In the discussion that followed, agreement was expressed that ACC-SOCA was making progress in strengthening its role in inter-agency cooperation and coordination but that there was considerable room for improvement. Some delegations stated that the Subcommittee should undertake a factual review of activities, capabilities and problems encountered by the various United Nations agencies and programmes based on contributions from those agencies and programmes, to be made available as reference material for the next session of the consultative process. It was further stated that in order to facilitate consideration by the General Assembly, the report of the Secretary-General on oceans and the law of the sea would benefit by the inclusion of an annex presenting, for each agency and programme, a brief factual summary of positions taken by their respective governing and regional subsidiary bodies regarding issues of international concern under their mandates, especially those calling for concerted action and coordination. Finally, concerning the report of the Secretary-General, it was strongly suggested that further efforts should be undertaken by the Secretary-General to increase its

analytical content and to include specific policy-relevant recommendations.

123. Suggestions by other delegates referred, inter alia, to the potential role of ACC-SOCA in pointing out to Governments the importance of coordinating their positions in different agencies; the possibility of an independent study under the auspices of the Secretary-General of coordination and cooperation within the United Nations system in the marine field; the possibility of increasing the transparency of ACC-SOCA by accommodating the interests of Governments and NGOs in a manner short of formal participation in meetings of the Subcommittee; the need for executive directors of the relevant United Nations agencies to indicate to all their staff the importance of cross-sectoral coordination; and the effectiveness of existing reporting mechanisms. In the latter connection, it was pointed out that, although oceans issues cut across various sectors, existing reporting mechanisms did not effectively allow for this. In that regard, the Chairman of ACC-SOCA noted that secretariat resources allocated to coordination were inadequate to the task and that more investment by agencies was required. Financial shortfalls might be alleviated by developing partnerships in the area of coordination with organizations outside the United Nations system.

124. Concerning GESAMP, one delegation emphasized that the GESAMP evaluation referred to above had to be independent to be effective.

Agenda item 5
Identification of issues for further consideration

125. Many delegations stressed the need to avoid fixing at the current stage the issues to be considered by future meetings of the consultative process: that should be left open until after the General Assembly debate on oceans and the law of the sea.

126. Delegations put forward various possible issues for consideration. These are enumerated in part C below.

Part C
Issues for consideration for possible inclusion in the agendas of future Meetings

1. There was broad support for including marine science as an area of focus for the second Meeting of the consultative process.

2. Other suggestions put forward in this connection include:

(a) Capacity-building and regional cooperation;

(b) Crime at sea, especially piracy and armed robbery;

(c) Development and transfer of marine technology;

(d) Implementation of IMO and ILO conventions;

(e) Marine protected areas;

(f) Strengthening regional fisheries organizations;

(g) Strengthening regional seas programmes.

3. There was some support for consideration of the follow-up of the deliberations on the two areas of focus at the current Meeting: "responsible fisheries and illegal, unreported and unregulated fisheries: moving from principles to implementation"; and "economic and social impacts of marine pollution and degradation, especially in coastal areas".

4. Many delegations, while considering marine science to be an important issue, preferred not to determine any area of focus for the second Meeting at the current stage.

Annex I

Statement by Mr. Hans Corell, Under-Secretary-General for Legal Affairs, The Legal Counsel

1. The new informal consultative process, which is now to take place for the first time, was established by the General Assembly in its resolution 54/33 of 24 November 1999. Its purpose is to facilitate the annual review of developments in ocean affairs and offers a unique opportunity to take stock of the state of the oceans and seas and to seek solutions in a pragmatic and results-orientated manner. It offers the possibility also to deal with persistent problems as well as emerging issues.

2. The United Nations Convention on the Law of the Sea (UNCLOS) sets out the legal framework within which all activities in the oceans and seas must be carried out. The legal order established by the Convention is balanced, sound and comprehensive. It provides a basis for the settled order of the oceans and seas for the foreseeable future. However, to be effective, it must be implemented uniformly and enforced consistently. The Convention on the Law of the Sea is also of strategic importance as a framework for national, regional and global action in the marine sector. The Convention and the goals set out in chapter 17 of Agenda 21 are the tools which form the basis for the present informal consultations.

3. Aside from the Convention on the Law of the Sea, more than 400 treaties exist in the field of ocean affairs and the law of the sea, covering issues such as navigation, protection of the marine environment, in particular the prevention, reduction and control of marine pollution from various sources, and the conservation and management of living resources. Many new treaties have been adopted in the last decade. They are very often the result of disparate negotiating processes or political compromises. With no cohesive framework they often result in overlap and duplication, which in turn leads to inefficient and ineffective international decision-making. Coordination is necessary.

4. The first action to be taken by States should be to ratify and implement existing treaties to the fullest possible extent. In this connection, it is important to identify the factors which hinder some countries from ratifying existing treaties and then address the problems which prevent their implementation, such as lack of expertise or resources. As the Secretary-General stated in his report to the Millennium Assembly of the United Nations, "support for the rule of law would be enhanced if countries signed and ratified international treaties and conventions". He said that some countries decline to sign and ratify for reasons of substance, but then added that "a far greater number simply lack the necessary expertise and resources, especially when national legislation is needed to give force to international instruments" (A/54/2000, para. 326).

5. I would like to take this opportunity to make a special plea to encourage States to ratify or accede to the Agreement for the Implementation of the Provisions of the Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks. The entry into force of that Agreement, which requires the deposit of 30 instruments of ratification or accession, would be a major boost to the goal of sustainable and responsible fisheries. To date the Agreement has received only 26 ratifications or accessions.

6. As you are aware, many areas have witnessed severe problems, although appropriate rules exist. Either the law has been ignored or it has been deliberately circumscribed. Over-exploitation of marine resources or degradation of the marine environment are just two examples of the inability of States to properly implement what they have agreed to pursue.

7. The two themes which are presented to you in the annotated agenda of this first Meeting of the United Nations Informal Consultative Process on Oceans and the Law of the Sea deal with fisheries and pollution issues. They both represent important problems which need to be addressed urgently. Safeguarding the marine environment and utilizing its resources rationally are fundamental for the future of present and future generations.

8. Fishing activities continue to take place in contravention of the applicable regional conservation

regimes and States are not meeting their obligations under the United Nations Convention on the Law of the Sea to control the activities of fishing vessels entitled to fly their flag.

9. Land-based activities leading to the degradation of oceans and coastal areas continue unabated in many regions, as noted by the Secretary-General in his annual report to the General Assembly. Unless this trend is reversed, many coastal States will never have the opportunity to develop and benefit from the resources of their coastal areas.

10. The rule of law coupled with the programmes of action already in existence should permit us to achieve concrete and workable solutions. Within the present consultations, this new endeavour of the international community, it is essential to raise issues and confront problems with the primary purpose of arriving at concrete solutions.

11. The purpose of these consultations is to facilitate the identification of areas where coordination and cooperation should be enhanced. The interlinkages of all aspects of oceans and the seas have led to the necessity of a cooperative and coordinated approach.

12. It is symbolic that the renewed call to apply a more integrated approach on ocean issues was made in the General Assembly during the same year that witnessed the sad passing away of a great visionary, Ambassador Arvid Pardo of Malta, who had pleaded against the fragmentation of activities linked to the usage of the oceans and seas.

13. The problems facing our relationship to the seas have grown increasingly complex and require joint efforts to solve them. The time has come to be more assertive in the search for coordinated and comprehensive solutions to realize the goal of good ocean governance. In this context, I wish to mention that the Secretary-General has already initiated measures aimed at ensuring more effective collaboration between relevant parts of the United Nations Secretariat. He has designated the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs to service these consultations in close cooperation with the Department of Economic and Social Affairs and other relevant units of the Secretariat.

14. The United Nations Convention on the Law of the Sea is a tool for international cooperation and coordination, and this tool has not been fully utilized. In addition, the difficulty of achieving fully a coordinated and comprehensive approach to ocean affairs should not be used as an excuse for failing to apply the core principles enshrined in all treaties and institutions.

15. Cooperation and coordination are essential also at the national level, where sometimes a multiplicity of agencies responsible for ocean-related matters generate problems rather than solutions, thus exacerbating the fragmentation of ocean governance. Coordinated and strategic national government actions and initiatives in different international forums are crucial for the development of the required interlinkages and synergies, which could in turn produce meaningful results and avoid pitfalls.

16. My hope is that Governments, United Nations agencies, international organizations, the private sector and major groups will work together to provide clear and practical recommendations for concrete action at the global, regional and national levels so that the General Assembly, as the appropriate body to provide the coordination with regard to all aspects of ocean issues, might act accordingly for more effective stewardship of the world's oceans and seas.

17. I wish you a successful round of consultations.

Annex II

Statement by Mr. Nitin Desai, Under-Secretary-General for Economic and Social Affairs

1. I am very pleased to be with you here to join in this opening of the first Meeting of the United Nations Open-ended Informal Consultative Process on Ocean Affairs and the Law of the Sea, and let me first say how fully I agree with everything that has been said by Mr. Hans Corell just before me. I am very happy to see here two friends co-chairing this process. Ambassador Slade, we all know well; he has done so much, particularly for small island developing States. I am also particularly happy to see many representatives from the island developing States in this room here today. I am also very happy to see Mr. Alan Simcock here. He has been very closely involved in the work of the Commission on Sustainable Development on ocean affairs. His last responsibility in this area was as co-chair of the working group on oceans and seas which was set up to prepare for the seventh session of the Commission on Sustainable Development. We have in these two co-chairs people who have been very deeply involved in the consideration of these issues in the United Nations. My colleague Mr. Corell has explained to you the background which led to the formation of this informal consultative process on the basis of the General Assembly resolution to which he referred. As he has explained, the Secretariat support for this process will be provided by the Division for Ocean Affairs and the Law of the Sea, which is in the Office of Legal Affairs, with support provided by my department, the Department of Economic and Social Affairs, and, even more important, support provided by the many United Nations agencies which are involved in different aspects of ocean affairs and whose presence you will see in the course of your work.

2. As Mr. Corell has explained, the United Nations Convention on the Law of the Sea (UNCLOS) provides the legal framework for ocean affairs, with clear specification of rights and obligations for States. It is a bit like a constitution. Now, a constitution is not the end of law, it is in many ways the beginning of law because then you need substantive law in order to deal with the substantive matters which affect oceans. In many ways a certain direction for this has been provided by chapter 17 of Agenda 21. It is perhaps the one place where the substantive issues dealing with oceans really do come together. It deals, of course, with the legal dimension and, in fact, made the call for the ratification of the United Nations Convention on the Law of the Sea when we met in Rio. At that time the United Nations Convention on the Law of the Sea had not yet been ratified by the required number of 60 States; that came afterwards, in 1994. I am very happy to see here Elisabeth Mann Borgese, who has been active in ocean affairs for many, many years and who I still remember worked so hard in order to secure this particular outcome. I wish to express my thanks to her and to all the non-governmental organizations and major groups that have taken so strong an interest in this area from the beginnings of the real process and onwards. Agenda 21 is, of course, a programme of action. It isn't a treaty; it isn't a hard obligation in that sense. What it does is provide a framework within which more specific aspects have to be fitted in and a great deal has happened since then in terms of the development of the proposals contained in Agenda 21. Among the areas that were developed further were the agreements on straddling and highly migratory fish stocks and I am very happy to see in the room Mr. Satya Nandan, who of course is the doyen on matters dealing with oceans and who chaired that particular process. But there are many other developments which have taken place: the work which has been done in FAO on sustainable fisheries, particularly the Code of Conduct that was developed; the work that has been done on pollution-related issues — perhaps the most significant outcome is the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities. But I will not try and recite all of the developments that have taken place since 1992 in terms of ocean affairs; you will have occasion to look into this in your panels more completely.

3. The Commission on Sustainable Development, which is responsible for monitoring the implementation of Agenda 21, has addressed ocean issues at its fourth, fifth and seventh sessions. Perhaps the most extensive discussion took place at the seventh session when it adopted decision 7/1, which examined the issue of international coordination and cooperation, among other things. It is the Commission that concluded that, whether building on existing arrangements or trying to do anything new, a more integrated approach is

required to all legal, economic, social and environmental aspects of oceans and seas, both at the intergovernmental level and the inter-agency level. It is on that basis that the Commission on Sustainable Development recommended to the General Assembly that it establish an informal consultative process, which is what we see here. Let me here stress a little the importance of connecting the legal dimension with the substantive programmatic dimension with regard to sustainable development. In many ways both of them will reinforce one another.

4. The legal dimension, which specifies clearly rights and obligations, provides a framework within which the programmatic development can take place. But equally, the capacity to implement the law will depend on our also securing the cooperative programmes of action in many areas. Let us say you have a particular provision on fisheries: rights and obligations specify that it is important to provide the framework, but if in addition to that you also had a programme, say, of capacity-building, of survey and assessment of fish stocks, etc., then your capacity to implement that law at the country level, at a legal level, would be greatly enhanced. This is one sense in which the legal and the substantive dimensions need to come together. Another sense is that which has been alluded to by my colleague, Mr. Corell, which is the need to ensure consistency in all of the different arrangements which are arrived at so that similar definitions are used, similar concepts are used, so that we do not end up with a confusion of concepts and definitions. That is another reason why coordination and integration is required. A third reason to which I would allude which is important for sustainable development is that in many cases in sustainable development we are asking countries to take action before effects are necessarily produced. We call this the precautionary approach, because in many areas when it is a question of natural resources you cannot wait to see the harmful effects and then rely on the specification of rights and obligations to enforce the rights of States which are damaged or the rights of individuals who are hurt by the consequences of wrong actions. What you need to do is to anticipate this and take action before the effects are seen, when, of course, there is a certain amount of scientific consensus as to what can be expected. In many areas we have implemented the precautionary approach. The United Nations Framework Convention on Climate Change is an example of a precautionary approach. We are asking States to take action before the effects in terms of climate change are seen, in the belief that if they do not do so the risks of climate change are greatly enhanced. The Montreal Protocol on Substances that Deplete the Ozone Layer is another example. In all of these cases we find the need to link the legal dimension with the substantive dimension. This is yet another reason why they need to come together. For this reason, this process, which seeks to bring together the legal and the substantive dimensions, is of central importance. It is a key part of what we need by way of sustainable management of the oceans and of coordination in ocean affairs.

5. I am very happy that your first Meeting of this informal consultative process will reflect this need for integration in the two panels that have been set up. Your first panel deals with responsible fisheries and illegal, unregulated and unreported fisheries. These issues are essential to our future sustainable development and food security and exemplify the importance of bringing together the rights and obligations specified by law with the programmatic actions which need to be undertaken by international organizations, regional organizations and national Governments to give effect to these rights and obligations.

6. I am very happy that the Food and Agriculture Organization of the United Nations (FAO) is here. It is the lead agency in this area and I note that an FAO expert will be here to participate in your discussions. Your second panel deals with the economic and social impacts of marine and coastal pollution and degradation, especially in coastal areas. This is a complex subject and requires an even more integrated and multisectoral approach. Even in terms of implementation, the number of agencies involved in coastal zone management in every country is very large and the number of organizations in the United Nations system involved in this area is also very large. Our organizing framework for international action in this area is being provided by the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities. The United Nations Environment Programme (UNEP), is responsible for the management of this Global Programme of Action, whose office has been set up in The Hague, and I appreciate the presence here of the responsible staff from UNEP who are dealing with this aspect. This again is an area where the need to integrate across

sectors, the need to integrate the legal and substantive dimensions, becomes even more important.

7. I have focused my remarks very much on coordination and integration, which needs to take place in policy development and which meets in political processes like this and in similar political processes elsewhere at the global, regional and national levels. Let me now say a word on the importance also of corresponding coordination at the Secretariat level. I am very pleased that your agenda includes an exchange of views with the ACC Subcommittee on Oceans and Coastal Areas of the Administrative Committee on Coordination (ACC SOCA), and I welcome its Chairman and other members here to participate in this discussion. ACC SOCA is one of the products of the Rio process. Its establishment was in fact one of the recommendations of Agenda 21 and it is one aspect of the effort which has been made by the United Nations system to provide a more coordinated secretariat backup for the work of Member States in this area. ACC SOCA and its parent body, the Inter-Agency Committee on Sustainable Development (IACSD), were both established as a product of Rio. As Chairman of IACSD, I have been watching closely the work of the Subcommittee on Oceans and I appreciate the dedication and hard work of its participants. But like many other areas of coordination, I am sure its effectiveness can be improved and we welcome whatever suggestions you have in this regard.

8. Let me conclude by saying that this to me is an important step forward in the implementation of the goal of sustainable development, the goal of coordinated management of oceans and ocean affairs that was outlined in 1992 at the Rio Conference. We look forward to your deliberations and I wish you every success in your meetings and would stress that what we are looking for from you is the guidance on how we can further improve the processes of coordination that have been set up in chapter 17 of Agenda 21.